

REMARKS

This reply is being entered in response to the Notification of Non-Compliant Appeal Brief of February 15, 2006. In this Notification, the Examiner made the following objections and rejections:

5 1. The Examiner alleged the Brief did not contain a concise explanation of the subject matter defined in each of the independent claims.

 2. The Examiner alleged that the Brief did not contain copies of certain evidence as an appendix.

10 3. The Examiner alleged that the Brief did not contain a copy of the decisions rendered by a court or the Board in related appeals or interferences.

 On February 23, 2006 a telephone conference was held with Examiner Baker and applicant's agent, Peter Mikesell. As a result of this conference, a substitute Appeal Brief is submitted herewith. Reconsideration is respectfully requested.

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1. The Examiner alleged the Brief did not contain a concise explanation of the subject matter defined in each of the independent claims

 The summary of claims 1 and 12 were grouped together for the convenience of the Examiner and the Board. In compliance with the Examiner's
20 request, the summary of claims 1 and 12 have been recited independently.

2. The Examiner alleged that the Brief did not contain copies of certain evidence as an appendix

25 The copies of the evidence cited in the original appeal brief were supplied with such brief. It is respectfully submitted that the Office is in receipt of such evidence and resubmission of the evidence is unnecessary. As requested by the Examiner, the substitute Appeal Brief references the evidence in an Appendix.

30 **3. The Examiner alleged that the Brief did not contain a copy of the decisions rendered by a court or the Board in related appeals or interferences**

 As recited in section 2 (Related Appeals and Interferences) of the original Appeal Brief, there are no related Appeals and/or Interferences. As such, there

is no decision to attach. The substitute Appeal Brief includes an Appendix that states no such decision exists.

CONCLUSION


5 Applicants respectfully request considering by the Appeal Conference and thereafter the Board. If, for any reason, the Patent Examiner believes that a telephone conference with applicants' agent might in any way facilitate the prosecution of this case, the Examiner is respectfully requested to call the undersigned.

10 To the extent necessary, please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-2753 and credit any excess fees to such deposit account. If necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made.

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Respectfully submitted,
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